

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Ada Anglemeyer	:	
340 Old Allentown Road	:	
Wind Gap, PA 18091,	:	TRIAL BY JURY DEMAND
Richard C. Anglemeyer	:	CIVIL ACTION NO. 5:19-cv-03714-JMY
340 Old Allentown Road	:	
Wind Gap, PA 18091,	:	
Jeffrey Anglemeyer	:	
340 Old Allentown Road	:	
Wind Gap, PA 18091,	:	
and	:	
Joseph Kluska	:	
340 Old Allentown Road	:	
Wind Gap, PA 18091,	:	
Plaintiffs.		
v.	:	
Craig Ammons	:	
c/o Pennsylvania State Police	:	
1800 Elmerton Avenue	:	
Harrisburg, PA 17110	:	
Brian Atkinson	:	
c/o Pennsylvania State Police	:	
1800 Elmerton Avenue	:	
Harrisburg, PA 17110	:	
Nathan Aukamp	:	
c/o Pennsylvania State Police	:	
1800 Elmerton Avenue	:	
Harrisburg, PA 17110	:	
Mark A. Benson	:	
c/o Pennsylvania State Police	:	

|

LEVIN & ZEIGER LLP
1500 JFK BLVD, SUITE 620
PHILADELPHIA, PENNSYLVANIA 191029
215.546.0340

1800 Elmerton Avenue :
Harrisburg, PA 17110 :

David Brodeur :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

John P. Chulock :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

Peter Del Gaizo :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

Brian L. King :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

Michael D. Lang :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

Vincente Lopez :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

Robert W. McGarvey :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

Terrane W. Merante :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :

Clinton C. Painter :
:

c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
Jason Pelotte :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
Matthew J. Pierotti :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
Lance Schimp :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
Kevin Ward :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
Daniel Wilk :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
Matthew Wysocky :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
and :
John Doe :
c/o Pennsylvania State Police :
1800 Elmerton Avenue :
Harrisburg, PA 17110 :
:
Defendants. :

CIVIL ACTION SECOND AMENDED COMPLAINT

Plaintiffs by and through their attorney Brian J. Zeiger, Esquire, hereby alleges the following:

JURISDICTION & VENUE

1. Plaintiffs alleges civil rights violations under 42 U.S.C. § 1983 and this Court has jurisdiction pursuant to 28 U.S.C. § 1343 and 28 U.S.C. § 1331.
2. Defendants reside in the Eastern District of Pennsylvania and venue is proper pursuant to 28 U.S.C. § 1391(b).

PARTIES

3. At all times relevant hereto the Plaintiffs Ada Anglemeyer, Richard C. Anglemeyer, Jeffrey Anglemeyer, and Joseph Kluska, are adult residents who live at 340 Old Allentown Road, Wind Gap, PA 18091.
4. Craig Ammons, Brian Atkinson, Nathan Aukamp, Mark A. Benson, David Brodeur, John P. Chulock, Peter Del Gaizo, Brian L. King, Michael D. Lang, Vincente Lopez, Robert W. McGarvey, Terrane W. Merante, Clinton C. Painter, Jason Pelotte, Matthew J. Pierotti, Lance Schimp, Kevin Ward, Daniel Wilk, Matthew Wysocky, all sued in their individual capacities, are were all working for the Pennsylvania State Police at the time of the incident giving rise to the instant action, with a business place of 1800 Elmerton Avenue, Harrisburg, PA 17110.
5. John Doe Pennsylvania State Trooper, is believed to be an adult citizen of Pennsylvania is represented by the Office of Attorney General , having a principle business located at Strawberry Square, Harrisburg, PA 17120.
6. At all times material hereto, the defendants acted under color of law and within the

course and scope of their employment, pursuant to the customs, policies, practices, ordinances, regulations, and directives of the Pennsylvania State Police.

FACTUAL BACKGROUND

7. On or about February 23, 2018, Plaintiffs were lawfully present at their home when all of the individual Defendants entered their home without probable cause.
8. The Defendants used excessive force against the Plaintiff's while in the home.
9. On information and belief, the aforesaid actions of Defendants were taken intentionally, willfully, and/or with deliberate indifference to, or reckless disregard for the rights and safety of the Plaintiffs.
10. During the illegal entry into the Plaintiffs' home by all of the individual Defendants, the Plaintiffs were severely injured.
11. The individual Defendants caused the injuries to the Plaintiffs.
12. The individual Defendants were all personally involved in the instant matter.
13. As a factual background, the property with the address of 340 Old Allentown Road, Wind Gap, PA 18091, is a single parcel of land with five buildings on the property.
14. Upon information and belief, the individual Defendants previously believed Mark Anglemeyer (who is not a plaintiff in the instant action) was distributing methamphetamine from one of the buildings on the parcel.
15. However, none of the Plaintiffs were ever observed or alleged to have participated in any methamphetamine distribution by any of the individual Defendants.
16. Further, when the individual Defendants entered Plaintiffs' home, the building the

Defendants entered was never part of any allegation of a methamphetamine distribution center.

17. The individual Defendants knew or should have known the methamphetamine operation was alleged to be in a different building.
18. Accordingly, the individual Defendants entered the wrong building.
19. Plaintiffs suffered various injuries, including, but not limited to:
 - a. Ada Anglemeyer, 78 years old: fracture of L2 vertebra in back, two front teeth broken, bruising from left knee to buttocks, right leg pain resulting in the use of a brace, back pain resulting in the use of a brace, and right elbow nerve entrapment requiring transposition;
 - b. Joseph Kluska, 45 years old: left rotator cuff tear requiring surgical repair;
 - c. Richard Anglemeyer, 79 years old: multiple contusions and abrasions, sprain of right knee, contusion and abrasion of eye, corneal abrasion, facial abrasion, and severe mental health injuries. Further, Richard Anglemeyer is still suffering from severe emotional trauma as a result of the incident;
 - d. Jeffrey Anglemeyer, 56 years old: serious exacerbation of a previous upper body injury.
20. The matter regarding any alleged methamphetamine prosecution against Mark Anglemeyer (who is not a plaintiff in the instant action), was *nolle prossed* by the Northampton County District Attorneys Office.
21. In the paperwork related to the Mark Anglemeyer prosecution, no mention is made of any of the Plaintiffs being involved in any illegal conduct related to methamphetamine.

COUNT I -

6

LEVIN & ZEIGER LLP
1500 JFK BLVD, SUITE 620
PHILADELPHIA, PENNSYLVANIA 191029
215.546.0340

VIOLATION OF 42 U.S.C. § 1983
ALL DEFENDANTS

22. Plaintiffs alleges each and every allegation contained in the foregoing paragraphs of this Complaint and incorporates them herein by reference as if the same were set forth at length.

23. Defendants' actions were taken under color of state law, are state actions under 42 U.S.C. §1983, and have deprived Plaintiffs of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States, including her right to bodily integrity and her right to be free from illegal seizure.

24. Defendants also violated Plaintiffs' constitutional rights under the Fourth Amendment of the United States Constitution by using excessive force.

25. On information and belief, the aforesaid actions of Defendants were taken intentionally, willfully, and/or with deliberate indifference to, or reckless disregard for, the rights secured to the Plaintiffs. Defendants' actions as stated herein denied Plaintiffs' rights in violation of the United States Constitution and 42 U.S.C. § 1983.

26. Defendants' actions were a factual cause of and/or directly and proximately caused Plaintiffs' substantial damages and harm.

WHEREFORE, Plaintiffs demands judgment against Defendants for such sums as would reasonably and properly compensate him for injuries in an amount in excess of Two Hundred Twenty Five Thousand (\$225,000.00) Dollars together with compensatory damages, delay damages, interest, costs and attorneys' fees and punitive damages.

COUNT II - EXCESSIVE FORCE - 42 U.S.C. § 1983
ALL INDIVIDUAL DEFENDANTS

27. Plaintiffs allege each and every allegation contained in the foregoing paragraphs of this Complaint and incorporates them herein by reference as if the same were set forth at length.

28. Plaintiffs believes and therefore avers that the force used upon them was unnecessary and more force than was reasonable and necessary under the circumstances.

29. Plaintiffs believes and therefore avers that Defendants, acting in concert and conspiracy with each other, have by the aforementioned actions deprived Plaintiffs of his constitutional and statutory rights.

30. Defendants' actions were taken under color of state law, are state actions under 42 U.S.C. §1983, and have deprived Plaintiffs of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States, including her right to bodily integrity and her right to be free from illegal seizure.

31. Defendants also violated Plaintiffs' constitutional rights under the Fourth Amendment of the United States Constitution by using excessive force.

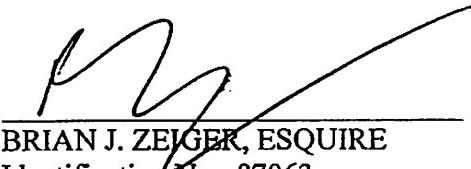
32. On information and belief, the aforesaid actions of Defendants were taken intentionally, willfully, and/or with deliberate indifference to, or reckless disregard for, the rights secured to the Plaintiffs. Defendants' actions as stated herein denied Plaintiffs' rights in violation of the United States Constitution and 42 U.S.C. § 1983.

33. Defendants' actions were a factual cause of and/or directly and proximately caused Plaintiffs' substantial damages and harm.

WHEREFORE, Plaintiffs demands judgment against Defendants for such sums as would reasonably and properly compensate him for injuries in an amount in excess of Two Hundred Twenty Five Thousand (\$225,000.00) Dollars together with compensatory damages, delay

damages, interest, costs and attorneys' fees and punitive damages.

Respectfully submitted,


BRIAN J. ZEIGER, ESQUIRE
Identification No.: 87063
zeiger@levinzeiger.com
LEVIN & ZEIGER, LLP
1500 JFK Blvd, Suite 620
Philadelphia, Pennsylvania 19102
215.546.0340